

1958 ACT

Revised section	Source (U.S. Code)	Source (Statutes at Large)
311(a)	32 App.:1.	July 30, 1956, ch. 789, § 1, 70 Stat. 729.

The words “appointed as . . . under section 4 of this title” are omitted as surplusage.

AMENDMENTS

1993—Subsec. (a). Pub. L. 103–160 substituted “members” for “commissioned officers”.

1958—Subsec. (a). Pub. L. 85–861 included female citizens of the United States who are commissioned officers of the National Guard.

§ 312. Militia duty: exemptions

(a) The following persons are exempt from militia duty:

- (1) The Vice President.
- (2) The judicial and executive officers of the United States, the several States, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands.
- (3) Members of the armed forces, except members who are not on active duty.
- (4) Customhouse clerks.
- (5) Persons employed by the United States in the transmission of mail.
- (6) Workmen employed in armories, arsenals, and naval shipyards of the United States.
- (7) Pilots on navigable waters.
- (8) Mariners in the sea service of a citizen of, or a merchant in, the United States.

(b) A person who claims exemption because of religious belief is exempt from militia duty in a combatant capacity, if the conscientious holding of that belief is established under such regulations as the President may prescribe. However, such a person is not exempt from militia duty that the President determines to be non-combatant.

(Aug. 10, 1956, ch. 1041, 70A Stat. 15; Pub. L. 100–456, div. A, title XII, §1234(a)(3), Sept. 29, 1988, 102 Stat. 2059; Pub. L. 109–163, div. A, title X, §1057(a)(7), Jan. 6, 2006, 119 Stat. 3441.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
312(a)	32:3 (less last 67 words).	June 3, 1916, ch. 134, §59, 39 Stat. 197.
312(b)	32:3 (last 67 words).	

In subsection (a), the words “Members of the armed forces” are substituted for the words “persons in the military or naval service”. The words “except members who are not on active duty” are inserted to reflect an opinion of the Judge Advocate General of the Army (JAGA 1952/4374, 9 July 1952). The word “artificers” is omitted as covered by the word “workmen”. The words “naval shipyards” are substituted for the words “navy yards” to reflect modern terminology. The words “on navigable waters” are inserted to preserve the original coverage of the word “pilots”. The words “actually” and “without regard to age” are omitted as surplusage.

AMENDMENTS

2006—Subsec. (a)(2). Pub. L. 109–163 substituted “States, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands” for “States and Territories, and Puerto Rico”.

1988—Subsec. (a)(2). Pub. L. 100–456 substituted “and Puerto Rico” for “Puerto Rico, and the Canal Zone”.

CHAPTER 15—ENFORCEMENT OF THE LAWS TO RESTORE PUBLIC ORDER

Sec.	Federal aid for State governments.
331.	Use of militia and armed forces to enforce Federal authority.
332.	Major public emergencies; interference with State and Federal law.
333.	Proclamation to disperse.
334.	Guam and Virgin Islands included as “State”.
335.	Repealed.]

AMENDMENTS

2006—Pub. L. 109–364, div. A, title X, §1076(a)(3), (4)(B), Oct. 17, 2006, 120 Stat. 2405, substituted “ENFORCEMENT OF THE LAWS TO RESTORE PUBLIC ORDER” for “INSURRECTION” in chapter heading and “Major public emergencies; interference with State and Federal law” for “Interference with State and Federal law” in item 333.

1980—Pub. L. 96–513, title V, §511(11)(C), Dec. 12, 1980, 94 Stat. 2921, added item 335.

§ 331. Federal aid for State governments

Whenever there is an insurrections in any State against its government, the President may, upon the request of its legislature or of its governor if the legislature cannot be convened, call into Federal service such of the militia of the other States, in the number requested by that State, and use such of the armed forces, as he considers necessary to suppress the insurrection.

(Aug. 10, 1956, ch. 1041, 70A Stat. 15.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
331	50:201.	R.S. 5297.

The words “armed forces” are substituted for the words “land or naval forces of the United States”. The word “governor” is substituted for the word “executive”. The word “may” is substituted for the words “it shall be lawful * * * to”. The words “into Federal service” are substituted for the word “forth” for uniformity and clarity.

§ 332. Use of militia and armed forces to enforce Federal authority

Whenever the President considers that unlawful obstructions, combinations, or assemblages, or rebellion against the authority of the United States, make it impracticable to enforce the laws of the United States in any State by the ordinary course of judicial proceedings, he may call into Federal service such of the militia of any State, and use such of the armed forces, as he considers necessary to enforce those laws or to suppress the rebellion.

(Aug. 10, 1956, ch. 1041, 70A Stat. 15; Pub. L. 109–163, div. A, title X, §1057(a)(2), Jan. 6, 2006, 119 Stat. 3440.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
332	50:202.	R.S. 5298.

50:202 (last 22 words) is omitted as surplusage. The words “armed forces” are substituted for the words “land and naval forces of the United States”. The

words “call into Federal service such of the militia” are substituted for the words “call forth the militia of any or all the States” for clarity and uniformity. The word “may” is substituted for the words “it shall be lawful”. The words “faithful execution of the” and “in whatever State or Territory thereof the laws of the United States may be forcibly opposed” are omitted as surplusage.

DERIVATION

Act July 29, 1861, ch. 25, §1, 12 Stat. 281.

AMENDMENTS

2006—Pub. L. 109-163 struck out “or Territory” after “in any State”.

EX. ORD. NO. 10730. ASSISTANCE FOR REMOVAL OF AN OBSTRUCTION OF JUSTICE WITHIN THE STATE OF ARKANSAS

Ex. Ord. No. 10730, Sept. 24, 1957, 22 F.R. 7628, authorized the Secretary of Defense to order into the active military service of the United States units of the National Guard of the United States and of the Air National Guard of the United States within the State of Arkansas for an indefinite period and until relieved by appropriate orders in order to enforce any orders of the United States District Court for the Eastern District of Arkansas for the removal of obstructions to justice in respect to enrollment and attendance at public schools in the Little Rock School District, Little Rock, Arkansas; authorized the Secretary of Defense to also use the armed forces of the United States to enforce such orders of the district court; and authorized the Secretary of Defense to delegate his authority to the Secretary of the Army or the Secretary of the Air Force.

EX. ORD. NO. 11053. ASSISTANCE FOR REMOVAL OF UNLAWFUL OBSTRUCTIONS OF JUSTICE IN THE STATE OF MISSISSIPPI

Ex. Ord. No. 11053, Sept. 30, 1962, 27 F.R. 9681, authorized the Secretary of Defense to call into the active military service of the United States units of the Army National Guard and of the Air National Guard of the State of Mississippi for an indefinite period and until relieved by appropriate orders in order to enforce all orders of the United States District Court for the Southern District of Mississippi and of the United States Court of Appeals for the Fifth Circuit for the removal of obstructions to justice in the State of Mississippi; authorized the Secretary of Defense to also use the armed forces of the United States to enforce such court orders; and authorized the Secretary of Defense to delegate his authority to the Secretary of the Army or the Secretary of the Air Force.

EX. ORD. NO. 11111. ASSISTANCE FOR REMOVAL OF OBSTRUCTIONS OF JUSTICE AND SUPPRESSION OF UNLAWFUL COMBINATIONS WITHIN THE STATE OF ALABAMA

Ex. Ord. No. 11111, June 11, 1963, 28 F.R. 5709, authorized the Secretary of Defense to call into the active military service of the United States units of the Army National Guard and of the Air National Guard of the State of Alabama for an indefinite period and until relieved by appropriate orders in order to enforce the laws of the United States within that State and the orders of the United States District Court for the Northern District of Alabama, to remove obstructions to justice, and to suppress unlawful assemblies, conspiracies, and domestic violence which oppose the laws of the United States or impede the course of justice under those laws within that State; authorized the Secretary of Defense to also use the armed forces of the United States for such purposes; and authorized the Secretary of Defense to delegate his authority to the Secretary of the Army or the Secretary of the Air Force.

EX. ORD. NO. 11118. ASSISTANCE FOR REMOVAL OF UNLAWFUL OBSTRUCTIONS OF JUSTICE IN THE STATE OF ALABAMA

Ex. Ord. No. 11118, Sept. 10, 1963, 28 F.R. 9863, authorized the Secretary of Defense to call into the active

military service of the United States units of the Army National Guard and of the Air National Guard of the State of Alabama for an indefinite period and until relieved by appropriate orders in order to enforce the laws of the United States and any orders of United States Courts relating to the enrollment and attendance of students in public schools in the State of Alabama and to suppress unlawful assemblies, conspiracies, and domestic violence which oppose the law or impede the course of justice under the law within that State; authorized the Secretary of Defense to also use the armed forces of the United States for such purposes; and authorized the Secretary of Defense to delegate his authority to the Secretary of the Army or the Secretary of the Air Force.

§ 333. Major public emergencies; interference with State and Federal law

(a) USE OF ARMED FORCES IN MAJOR PUBLIC EMERGENCIES.—(1) The President may employ the armed forces, including the National Guard in Federal service, to—

(A) restore public order and enforce the laws of the United States when, as a result of a natural disaster, epidemic, or other serious public health emergency, terrorist attack or incident, or other condition in any State or possession of the United States, the President determines that—

(i) domestic violence has occurred to such an extent that the constituted authorities of the State or possession are incapable of maintaining public order; and

(ii) such violence results in a condition described in paragraph (2); or

(B) suppress, in a State, any insurrection, domestic violence, unlawful combination, or conspiracy if such insurrection, violation, combination, or conspiracy results in a condition described in paragraph (2).

(2) A condition described in this paragraph is a condition that—

(A) so hinders the execution of the laws of a State or possession, as applicable, and of the United States within that State or possession, that any part or class of its people is deprived of a right, privilege, immunity, or protection named in the Constitution and secured by law, and the constituted authorities of that State or possession are unable, fail, or refuse to protect that right, privilege, or immunity, or to give that protection; or

(B) opposes or obstructs the execution of the laws of the United States or impedes the course of justice under those laws.

(3) In any situation covered by paragraph (1)(B), the State shall be considered to have denied the equal protection of the laws secured by the Constitution.

(b) NOTICE TO CONGRESS.—The President shall notify Congress of the determination to exercise the authority in subsection (a)(1)(A) as soon as practicable after the determination and every 14 days thereafter during the duration of the exercise of that authority.

(Aug. 10, 1956, ch. 1041, 70A Stat. 15; Pub. L. 109-364, div. A, title X, §1076(a)(1), Oct. 17, 2006, 120 Stat. 2404.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
333	50:203.	R.S. 5299.

The words “armed forces” are substituted for the words “land or naval forces of the United States”. The word “shall” is substituted for the words “it shall be lawful for * * * and it shall be his duty”.

DERIVATION

Act Apr. 20, 1871, ch. 22, § 3, 17 Stat. 14.

AMENDMENTS

2006—Pub. L. 109-364 amended section catchline and text generally, substituting provisions authorizing the President to employ the armed forces during a natural disaster or terrorist attack or to suppress an insurrection in a State and requiring notice to Congress during the exercise of such authority for provisions directing the President to suppress certain insurrections and domestic violence in a State.

§ 334. Proclamation to disperse

Whenever the President considers it necessary to use the militia or the armed forces under this chapter, he shall, by proclamation, immediately order the insurgents or those obstructing the enforcement of the laws to disperse and retire peaceably to their abodes within a limited time. (Aug. 10, 1956, ch. 1041, 70A Stat. 16; Pub. L. 109-364, div. A, title X, § 1076(a)(2), Oct. 17, 2006, 120 Stat. 2405.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
334	50:204.	R.S. 5300.

The words “militia or the armed forces” are substituted for the words “military forces” for clarity and to conform to sections 331, 332, and 333 of this title.

DERIVATION

Act July 29, 1861, ch. 25, § 2, 12 Stat. 282.

AMENDMENTS

2006—Pub. L. 109-364 inserted “or those obstructing the enforcement of the laws” after “insurgents”.

PROC. NO. 3204. OBSTRUCTION OF JUSTICE IN THE STATE OF ARKANSAS

Proc. No. 3204, Sept. 23, 1957, 22 F.R. 7628, commanded all persons in the State of Arkansas who were obstructing the enforcement of orders of the United States District Court for the Eastern District of Arkansas relating to enrollment and attendance at public schools, particularly Central High School at Little Rock, Arkansas, to cease and desist therefrom and to disperse forthwith.

PROC. NO. 3497. OBSTRUCTION OF JUSTICE IN THE STATE OF MISSISSIPPI

Proc. No. 3497, Sept. 30, 1962, 27 F.R. 9681, commanded all persons in the State of Mississippi who were obstructing the enforcement of orders entered by the United States District Court for the Southern District of Mississippi and the United States Court of Appeals for the Fifth Circuit to cease and desist therefrom and to disperse and retire peaceably forthwith.

PROC. NO. 3542. UNLAWFUL OBSTRUCTION OF JUSTICE AND COMBINATIONS IN THE STATE OF ALABAMA

Proc. No. 3542, June 11, 1963, 28 F.R. 5707, commanded the Governor of the State of Alabama and all other per-

sons who were obstructing the orders of the United States District Court for the Northern District of Alabama relating to the enrollment and attendance of Negro students at the University of Alabama to cease and desist therefrom.

PROC. NO. 3554. OBSTRUCTION OF JUSTICE IN THE STATE OF ALABAMA

Proc. No. 3554, Sept. 10, 1963, 28 F.R. 9861, commanded all persons obstructing the enforcement of orders entered by the United States District Courts in the State of Alabama relating to the enrollment and attendance of students in public schools in that State to cease and desist therefrom and to disperse and retire peaceably forthwith.

PROC. NO. 3645. OBSTRUCTION OF JUSTICE IN THE STATE OF ALABAMA

Proc. No. 3645, Mar. 23, 1965, 30 F.R. 3739, commanded all persons engaged or who may engage in domestic violence obstructing the enforcement of the laws and the judicial order approving the right to march along U.S. Highway 80 from Selma to Montgomery, Alabama commencing during the period from Mar. 19, 1965 to Mar. 22, 1965 and terminating within 5 days of the commencement to cease and desist therefrom and to disperse forthwith.

PROC. NO. 3795. OBSTRUCTION OF JUSTICE IN THE STATE OF MICHIGAN

Proc. No. 3795, July 26, 1967, 32 F.R. 10905, commanded all persons engaged in domestic violence and disorder in Detroit, Michigan, and obstructing the enforcement of the laws to cease and desist therefrom and to disperse forthwith.

PROC. NO. 3840. OBSTRUCTION OF JUSTICE IN THE WASHINGTON METROPOLITAN AREA

Proc. No. 3840, Apr. 9, 1968, 33 F.R. 5495, commanded all persons engaged in acts of violence threatening the Washington Metropolitan Area and obstructing the execution of the laws to cease and desist therefrom and to disperse forthwith.

PROC. NO. 3841. OBSTRUCTION OF JUSTICE IN THE STATE OF ILLINOIS

Proc. No. 3841, Apr. 9, 1968, 33 F.R. 5497, commanded all persons engaged in violence in and about the City of Chicago and obstructing the enforcement of the laws to cease and desist therefrom and to disperse forthwith.

PROC. NO. 3842. OBSTRUCTION OF JUSTICE IN THE STATE OF MARYLAND

Proc. No. 3842, Apr. 9, 1968, 33 F.R. 5499, commanded all persons engaged in acts of violence and obstructing the enforcement of the laws in and about the City of Baltimore to cease and desist therefrom and to disperse forthwith.

§ 335. Guam and Virgin Islands included as “State”

For purposes of this chapter, the term “State” includes Guam and the Virgin Islands.

(Added Pub. L. 90-497, § 11, Sept. 11, 1968, 82 Stat. 847; amended Pub. L. 96-513, title V, § 511(11)(A), Dec. 12, 1980, 94 Stat. 2920; Pub. L. 109-163, div. A, title X, § 1057(a)(8), Jan. 6, 2006, 119 Stat. 3441.)

AMENDMENTS

2006—Pub. L. 109-163 struck out “the unincorporated territories of” before “Guam”.

1980—Pub. L. 96-513 inserted “and Virgin Islands” after “Guam” in section catchline and inserted provision respecting applicability to the Virgin Islands.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-513 effective Dec. 12, 1980, see section 701(b)(3) of Pub. L. 96-513, set out as a note under section 101 of this title.

EFFECTIVE DATE

Section 11 of Pub. L. 90-497 provided that this section is effective on date of enactment of Pub. L. 90-497, which was approved on Sept. 11, 1968.

[§ 336. Repealed. Pub. L. 96-513, title V, § 511(11)(B), Dec. 12, 1980, 94 Stat. 2921]

Section, added Pub. L. 90-496, § 12, Aug. 23, 1968, 82 Stat. 841, included Virgin Islands within “State”. See section 335 of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective Dec. 12, 1980, see section 701(b)(3) of Pub. L. 96-513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

CHAPTER 17—ARMING OF AMERICAN VESSELS

Sec.

351. During war or threat to national security.

§ 351. During war or threat to national security

(a) The President, through any agency of the Department of Defense designated by him, may arm, have armed, or allow to be armed, any watercraft or aircraft that is capable of being used as a means of transportation on, over, or under water, and is documented, registered, or licensed under the laws of the United States.

(b) This section applies during a war and at any other time when the President determines that the security of the United States is threatened by the application, or the imminent danger of application, of physical force by any foreign government or agency against the United States, its citizens, the property of its citizens, or their commercial interests.

(c) Section 16 of the Act of March 4, 1909 (22 U.S.C. 463) does not apply to vessels armed under this section.

(Aug. 10, 1956, ch. 1041, 70A Stat. 16; Pub. L. 96-513, title V, § 511(12), Dec. 12, 1980, 94 Stat. 2921.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
351(a)	50:481 (1st sentence, less 1st 7 words).	June 29, 1948, ch. 715, 62 Stat. 1095.
351(b)	50:481 (1st 7 words of 1st sentence and 2d sentence).	
351(c)	50:481 (less 1st and 2d sentences).	

In subsection (a), the wording of the special definition of “vessel” and “American vessel”, contained in section 16 of the Neutrality Act of 1939, 54 Stat. 12 (22 U.S.C. 456), is substituted for the words “any American vessel as defined in the Neutrality Act of 1939”.

In subsection (b), the words “or national emergency” are omitted, since the words of the source statute defining that term have been substituted for it.

In subsection (c), the words “(relating to bonds from armed vessels on clearing)” are omitted as surplusage.

AMENDMENTS

1980—Subsec. (c). Pub. L. 96-513 substituted “Section 16 of the Act of March 4, 1909 (22 U.S.C. 463)” for “Section 463 of title 22”.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-513 effective Dec. 12, 1980, see section 701(b)(3) of Pub. L. 96-513, set out as a note under section 101 of this title.

CHAPTER 18—MILITARY SUPPORT FOR CIVILIAN LAW ENFORCEMENT AGENCIES

Sec.

- 371. Use of information collected during military operations.
- 372. Use of military equipment and facilities.
- 373. Training and advising civilian law enforcement officials.
- 374. Maintenance and operation of equipment.
- 375. Restriction on direct participation by military personnel.
- 376. Support not to affect adversely military preparedness.
- 377. Reimbursement.
- 378. Nonpreemption of other law.
- 379. Assignment of Coast Guard personnel to naval vessels for law enforcement purposes.
- 380. Enhancement of cooperation with civilian law enforcement officials.
- 381. Procurement by State and local governments of law enforcement equipment suitable for counter-drug activities through the Department of Defense.
- 382. Emergency situations involving chemical or biological weapons of mass destruction.

AMENDMENTS

1996—Pub. L. 104-201, div. A, title XIV, § 1416(a)(2), Sept. 23, 1996, 110 Stat. 2723, added item 382.

1993—Pub. L. 103-160, div. A, title XI, § 1122(a)(2), Nov. 30, 1993, 107 Stat. 1755, added item 381.

1989—Pub. L. 101-189, div. A, title XII, § 1216(a), Nov. 29, 1989, 103 Stat. 1569, in chapter heading substituted “18” for “8”.

1988—Pub. L. 100-456, div. A, title XI, § 1104(a), Sept. 29, 1988, 102 Stat. 2043, amended chapter analysis generally substituting, in chapter heading “CHAPTER 8—MILITARY SUPPORT FOR CIVILIAN LAW ENFORCEMENT AGENCIES” for “CHAPTER 18—MILITARY COOPERATION WITH CIVILIAN LAW ENFORCEMENT OFFICIALS”, in item 374 “Maintenance and operation of equipment” for “Assistance by Department of Defense personnel”, in item 376 “Support not to affect adversely military preparedness” for “Assistance not to affect adversely military preparedness” and in item 380 “Enhancement of cooperation with civilian law enforcement officials” for “Department of Defense drug law enforcement assistance: annual plan”.

1987—Pub. L. 100-180, div. A, title XII, § 1243(b), Dec. 4, 1987, 101 Stat. 1164, added item 380.

1986—Pub. L. 99-570, title III, § 3053(b)(2), Oct. 27, 1986, 100 Stat. 3207-76, added item 379.

§ 371. Use of information collected during military operations

(a) The Secretary of Defense may, in accordance with other applicable law, provide to Federal, State, or local civilian law enforcement officials any information collected during the normal course of military training or operations that may be relevant to a violation of any Federal or State law within the jurisdiction of such officials.

(b) The needs of civilian law enforcement officials for information shall, to the maximum extent practicable, be taken into account in the planning and execution of military training or operations.

(c) The Secretary of Defense shall ensure, to the extent consistent with national security, that intelligence information held by the Department of Defense and relevant to drug interdiction or other civilian law enforcement matters is provided promptly to appropriate civilian law enforcement officials.